

**Appeal Case No. 19-1594**

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHT CIRCUIT**

*JOHN DOE, APPELLANT*

*v.*

*UNIV. OF ST. THOMAS, APPELLEE*

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Appeal from the United States District Court of Minnesota  
Case No: 16-cv-1127 (JRT/DTS)

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**APPELLANT JOHN DOE'S RESPONSE TO MINNESOTA  
PRIVATE COLLEGE COUNCIL'S MOTION FOR LEAVE TO FILE  
AN AMICUS BRIEF AND FOR AN EXTENSION OF TIME TO FILE  
THEIR BRIEF**

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Until Appellant John Doe (“Appellant”) reviews Minnesota Private College Counsel’s (“MPCC”) proposed Amicus Brief (“MPCC’s Proposed Amicus Brief”), Appellant cannot ascertain whether said brief is contemplated by FRCP 29. That being said, Appellant acknowledges FRCP 29 may provide a basis for MPCC’s Proposed Amicus Brief. This basis may exist even though Appellee University of St. Thomas (“UST”) is a member of MPCC. *See generally,* [www.mnprivatecolleges.org/our-colleges](http://www.mnprivatecolleges.org/our-colleges) (identifying UST as a member of MPCC)(last accessed June 18, 2019).

However, MPPC’s request for leave to file MPCC’s Proposed Amicus Brief on July 12, 2019 troubles Appellant because MPCC’s extension request is based of MPCC attorney Sean R. Somermeyer’s (“Somermeyer”) time commitments in June of 2019. *See generally, MPCC’s Motion For Leave To File An Amicus Brief And For An Extension Of Time To File Their Brief,* p.2. Somermeyer is employed by Faegre Baker Daniels which – according to its website “is the largest law firm in the state of Minnesota” with “nearly 300 Minneapolis attorneys.” <https://www.faegrebd.com/en/locations/minneapolis#!#tab-Overview> (last accessed June 18, 2019). Therefore, Appellant believes MPCC’s other attorneys at Faegre Baker Daniels could have filed MPCC’s Proposed Amicus Brief within the time frame contemplated by FRCP 29.

MPCC's failure to file MPCC's Proposed Amicus Brief within the time frame contemplated by FRCP 29 prejudices Appellant because his reply to UST's brief is due on July 12, 2019. As a result, Appellant's reply would not be able to respond to factual and/or legal arguments contained in MPCC's Proposed Amicus Brief. Therefore, if this Court grants MPCC's motion, Appellant respectfully requests this Court give Appellant until August 2, 2019 to file a response to MPCC's Proposed Amicus Brief is such a response is necessary.

Dated: June 18 , 2019

**MCGRAW LAW FIRM, P.A.**

**/s/Beau D. McGraw**

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CERTIFICATE OF SERVICE

A copy of the forgoing was served on Defendants' attorneys via this Court's electronic filing system and US Mail this 18th day of June, 2019.

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